Department of Public Safety,
Bureau of Criminal Apprehension
on behalf of

Criminal and Juvenile Justice
Information Task Force Data
Practices Workgroup

Practitioners
Perspectives Interviews

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One practitioner’s perspective: notes on sections of the Data Practices Act in an interviewee’s office.
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Executive Summary

As a part of ongoing efforts of the Minnesota’s Criminal & Juvenile Justice Information Task Force\(^1\), the Data Practices Workgroup initiated research on practitioner and public perspectives regarding data practices. The workgroup sought to learn what criminal and juvenile justice practitioners and the general public think is working well about current criminal justice data laws and practices, and what can be improved. This interview summary is one output of the group’s work. Management Analysis & Development (MAD) consulted with the workgroup to design this interview project, and MAD conducted the analysis in this report.

In spring 2016, workgroup members conducted interviews with a selection of criminal and juvenile justice practitioners to gain their insights and thoughts regarding how data practices affect their work. In all, workgroup interviewers conducted 43 interviews with individuals from crime victim services/crime prevention, law enforcement, probation/parole, prosecution, and public defender roles.

Interviewees had a range of perspectives, but some themes and commonalities emerged in areas such as positive aspects of the current situation, challenges, and potential improvements. Interviewees also had some areas of agreement regarding what they believe the public thinks about criminal and juvenile justice data practices.

Overview: perspectives on data practices

Among the practitioner interviewees, some of the most commonly expressed perspectives include\(^2\):

- Practitioners think that data is generally shared or protected properly: private data stays private, interested individuals can obtain information, and governments are relatively transparent. Inconsistent interpretation of the law and the law’s complexity, however, are significant challenges to proper sharing and release of information. Administrative challenges also exist, such as the need for staff time and resources to respond to information requests.
- Practitioners can generally get the information that they need, and there are resources available to access data (statewide data systems, for example) and to understand data practices (the Information Policy Analysis Division of the Department of Administration, for example). However, there are many examples of information not flowing productively or effectively through the criminal and juvenile justice system.
- Practitioners have ideas for how data practices laws could be improved, though specific suggestions vary. Practitioners share concerns that any changes to the law would result in too much public access to criminal and juvenile justice information or lead to more challenges for practitioners.

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\(^1\) Recent legislation merges the Task Force and the Criminal and Juvenile Justice Information Policy Group to form a Criminal and Juvenile Justice Information Advisory Group.

\(^2\) The following report contains information on the relative proportions of interviewees with these perspectives and summarizes other key insights and themes.
Practitioners recommend additional training and other resources, as well as more consistency in interpretation of existing law; these actions would improve criminal and juvenile justice data practices in Minnesota.

From practitioners’ perspectives, members of the public are concerned about too much public sharing of criminal and juvenile justice information, but the public also desires government transparency and continued access to information. Regarding sharing of information within the criminal and juvenile justice system, practitioners think that members of the public are not concerned at all, assume data is already shared, or would be pleased if more information were shared. That said, practitioners are aware of skepticism and mistrust of government entities.

Challenges and opportunities identified by practitioners
Practitioners identified challenges with current data practices and opportunities for change.

Challenges with current data practices

- **Administrative challenges.** Many interviewees described administrative challenges associated with criminal and juvenile justice data practices, particularly staff time and resources and database access.
  - **Staff time and resources.** Over a third of interviewees overall talked about challenges of staff time and resources needed for criminal and juvenile justice data practices. They described the amount of time it takes to review and redact information as enormous, intensive, and burdensome. Large data requests that seem motivated by desire to obstruct or hinder government action, by interest in making a profit in using the data, or by simple nosiness are particularly frustrating, according to interviewees. Such requests take significant staff time away from other work and seem to be unintended consequences of the law. Interviewees also described challenges with redacting electronic media, such as video, and conducting large searches for keywords in emails.
  - **Database access.** Although over a fourth of interviewees described positive aspects of current statewide or multi-county database systems, several interviewees (mostly from crime victim and probation perspectives) talked about challenges associated with the wide variety of databases where criminal and juvenile justice data is stored. It can be challenging for practitioners and the public to know which databases to use, and then accessing and using the systems can be challenging and expensive as well. Additionally, changes in computer systems have sometimes led to advocates having less access to data than they previously had, and security roles and access rights can seem arbitrary.

- **Inconsistent interpretation.** About half of all interviewees described inconsistent interpretations of the law as a problem or challenge. Different jurisdictions and different attorneys may interpret and apply data practices laws in completely different ways; the practical implication of this is that access to data is inconsistent across the state. Examples cited by interviews include domestic abuse victim data, 911 call data, and law enforcement officer/case data.
• **Information “doesn’t flow” within the system.** About half of interviewees described challenges associated with information not flowing within the criminal justice system. In some cases, interviewees said that the problem is not the current law, but inconsistent application or understanding of the law. Some of the identified problem areas or pinch points include: law enforcement sharing with domestic violence advocates; child protection services sharing with domestic violence shelters; probation sharing with law enforcement; sharing among child protection, juvenile records, and probation; sharing among social service agencies, probation departments, and attorneys; accessing mental health information across the system, and access for public defenders generally.

• **Complexity in the law.** About half of interviewees described challenges associated with the complexity of criminal and juvenile justice data practices, including the challenge of sorting out the many variables or exceptions to consider before releasing information. Interviewees described the complexities of the law generally, but many cited specific areas of complexity or lack of definition, such as especially problematic definitions or data types, challenging intersections of criminal court procedures and data practices, juvenile justice data practices in general.

• **Negative outcomes to releasing data.** About a third of interviewees described negative outcomes associated with releasing required data. Interviewees described concerns about witnesses or victims not coming forward because of worries about data release; negative impacts on probation clients trying to maintain housing, employment, and community connections; juveniles not getting a second chance; and public data being used for private gain.

• **Fear of mistakes, fear of lawsuits.** About a fourth of interviewees said that practitioners are very concerned about being wrong about data practices or being sued—this can hinder flow of information and can be a barrier to good work.

• **Prosecutors or county attorneys decide access.** Several interviewees described challenges due to prosecutors making decisions about access to data—decisions are made within the context of a specific case or with a general interest in protecting law enforcement.

**Potential improvements**

• **Training for practitioners.** About half of all interviewees talked about additional training or resources needed for government entities regarding data practices. Specific suggestions included uniform statewide training to promote consistent interpretation and application of the law; training for law enforcement on what can be shared with public defenders and other requesters; mandatory training for state leaders and staff; training to emphasize certain points of data practices law (such as prohibitions on agencies asking for reasons why a person is requesting public data); training across disciplines; or targeted training for small agencies, organizations in Greater Minnesota, or for key staff.

• **Consistent interpretation.** More than a third of interviewees described the need for consistent interpretation of existing data practices laws.

• **Database or computer system changes.** About a fourth of interviewees described hope for improvements in database and computer systems used to access criminal justice data, such as automated security and auditing features, changes to where and how arrest data is shown, and uniform standards and consistent access to data in systems. Suggestions about database or
computer system changes came primarily from public defenders, crime victim advocates, and probation interviewees.

- **Access fees or agency funding.** Less than a fourth of interviewees suggested that there should be additional access fees charged or that there should be additional funding for entities that are required to redact and produce data.

- **Other resources.** Several interviewees suggested specific documents, resources, or processes that would improve the current system, such as universal consent forms, generic templates to guide data classification, forms for data requestors, or resources and guidance to understand data practices. Several interviewees indicated that they would like additional resources or assistance from IPAD in particular. Several interviewees also indicated that there should be an independent entity that acts as a central decision making resource or oversight body on criminal justice data practices.

- **Public involvement and outreach regarding data practices.** Several interviewees suggested that there should be more education for the general public about data practices. Several interviewees also emphasized that policy makers should take guidance and seek genuine input from a range of stakeholders if changes to the laws are considered.

### Suggested changes to statutes

In addition to the potential improvements described above, interviewees offered thoughts and ideas regarding changes to the current statutory system—though they often were concerned about the possibilities of statutory changes. Suggestions included:

- **Simplify or clarify the law.** Close to half of interviewees said that they would like to see criminal justice data practices law simplified or clarified generally—although some noted that this would be a particularly risky and perhaps unwise endeavor, given the complexity of the issues and the possibility for unintended consequences.

- **Address juvenile justice data.** Several interviewees suggested changes to statutes regarding juvenile justice data, such as revoking the statute that allows data sharing with schools, increasing the age of adulthood for juvenile records to 21 or 22, changing laws to better protect juvenile data, especially arrests and charge data, protecting all data connected to juvenile cases (families, victim, witnesses, etc.), and better clarifying how §13.82 connects with other laws relating to juveniles.

- **Examine the impacts of technology on data practices.** Several interviewees discussed how changes in technology have affected criminal and juvenile justice data practices, and a few specifically called for examination of these issues—changes to the law or a different understanding of the law may be needed.

- **Change the law so that less data is released.** Several interviewees suggested that the law should be changed so that less data is released, generally. Most of these interviewees described the negative impact on members of the public when their personal data is mined or released or the damage done to people who are arrested or charged with a crime but never convicted.

- **Address victim protections and access.** A few interviewees suggested changes to the statutes to increase victim access to data: decrease or eliminate costs to victims, improve the statutory process for victims to withhold information, and increase and ensure real privacy for victims.
Background and Purpose of Project

As a part of ongoing efforts of the Minnesota’s Criminal & Juvenile Justice Information Task Force3, the Data Practices Workgroup initiated research on practitioner and public perspectives regarding data practices. The workgroup sought to learn what criminal and juvenile justice practitioners and the general public think is working well about current criminal justice data laws and practices, and what can be improved. The workgroup hopes to provide this information to policymakers to help them make informed decisions about challenging data practices issues in the criminal and juvenile justice contexts.

The workgroup asked Management Analysis & Development (MAD) to provide consultation and assistance to the group in research planning, data collection, and analysis.

This interview summary is one output of the group’s work. The group also plans to gain insights from research conducted by graduate students and to include questions in a statewide public opinion survey later in 2016.

Methods and Project Design

The workgroup sought MAD’s advice and assistance in designing this practitioner’s perspective interview project. MAD consulted with the workgroup to identify categories and quantities of potential interviewees and offered advice regarding assigning interviewers.4 MAD developed an initial set of interview questions to share with the group and incorporated the group’s feedback into the final questionnaire. In April 2016, MAD held a training session with workgroup interviewers, which included content on conducting interviews for data collection, interview technique, and notetaking.

From April to June 2016, group members and MAD conducted 43 interviews.5 Table 1 shows the number of interviews by category. Interviewees had the option of participating by phone or in-person; some chose to send notes via email. Interviewers used a semi-structured approach to the interviews, starting with the standard set of interview questions (see Appendix A), asking follow-up questions as needed to understand interviewees’ responses.

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3 Recent legislation merges the Task Force and the Criminal and Juvenile Justice Information Policy Group to form a Criminal and Juvenile Justice Information Advisory Group.
4 Interviewers were assigned to conduct interviews outside of their usual area of work: this encouraged interviews to ask follow-up questions and avoid assumptions that might come from too much familiarity with their own area of expertise in the criminal justice system.
5 Group members interviewed 46 people in all—a few interviews included more than one person from the organization.
Table 1. Interviews by category

<table>
<thead>
<tr>
<th>Category</th>
<th>Interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victim Services/ Crime Prevention</td>
<td>8</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>8</td>
</tr>
<tr>
<td>Probation/Parole</td>
<td>9</td>
</tr>
<tr>
<td>Prosecution</td>
<td>9</td>
</tr>
<tr>
<td>Public Defenders</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43</strong></td>
</tr>
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Workgroup interviewers submitted their interview notes to MAD for analysis. MAD reviewed and analyzed the interviews to identify key themes and insights from interviewees and prepared the summary in this report. Where potentially relevant, MAD identified patterns among categories of interviewees.

In this analysis, MAD attempted to provide as much information as possible without disclosing private or non-public data. MAD adopted two conventions in this analysis:

- General terms like *about half, most, several,* or *a few* are used instead of reporting frequencies or percentages of responses.
- To provide more concrete qualitative information, paraphrased statements from interviewees are included in *italics.* Though the statements accurately reflect the sentiment and content of interviewee comments, they should not be viewed as direct quotations attributable to individuals. Some of the examples provided below are combinations of statements from more than one interviewee.

**Interview Analysis**

**Positive elements**

Interviewers asked practitioners what is working well in the area of criminal and juvenile justice data practices. From the perspective of a few interviewees, nothing or almost nothing is working well in this area. These interviewees expressed frustrations about the complexity of the law or inconsistency in application. Most interviewees, however, offered thoughts on areas that are working well.

**Data is generally shared and protected**

Many interviewees indicated that one positive aspect of the current status of data practices is that data is generally shared or protected properly: private data stays private, interested individuals can obtain information, and governments are transparent. Interviewees from all categories talked about this issue.

- *We have good laws in place and ideally, if they work, we have access to all documentation regarding a client.*
- *People’s privacy rights are fairly understood and are being upheld. I understand what we can give out and we are conscientious about it.*
• It’s good that current data practices law restricts the release of data on juvenile delinquents, specifically that juvenile case files are generally not open to the public. In my opinion, juveniles, who do not yet have fully-formed brains, should not have their entire lives impacted negatively because of a single bad decision.

• The law enforcement provision for ongoing investigations allows the police to do their job—data is protected from disclosure until the investigation is complete.

• State statute allows citizens to gain information about government agencies without fee or question. This is a good thing and the statute works well.

• The laws are pretty good. There is a good awareness about the data practices laws and protection of victims’ information. There are some loopholes but generally, a pretty good approach.

• There’s law enforcement protection of victim records in prosecution. Recently victims of sex trafficking were added to section 13.82 as a protected identity. It’s important to make sure that data is not readily available and that the existing law is followed. It’s about balancing transparency and victim privacy.

• The fact that a lot of corrections data is considered private is good—it means we aren’t forced to share specific information on a client that could hinder their ability to thrive in the community.

• Knowledge of the data practices act allows us to talk to our clients and assure them ahead of time what will be public and what won’t. That’s important for having candid conversations. Lots of people assume everything might become public, so the Act is helpful in keeping some things not public and giving victims some sense of privacy.

Practitioners can generally get the data they need

More than a third of interviewees indicated one aspect of current data practices that is working well is that they are able to get the information they need. These interviewees described clear protocols for getting data from law enforcement entities, good flow of information from probation to prosecutors, and access to electronic systems.

Parts of the current law are clear, and practitioners understand it

About a fourth of interviewees said that parts of the current law are clear. Examples included the court services section, protection of victim data, most of the juvenile justice sections, and the law enforcement sections generally. Some of these interviewees also explained that the parts of the law that are unclear are particularly problematic. Notably, while interviewees from various categories talked about this issue, relatively few public defenders or crime victim advocates made favorable comments about the clarity of the law.

• I think that the law enforcement data provision of the statute (Minn. Stat. 13.82) is well thought out and works well. When a question comes up, I can go to that provision and find out what to do.

• Chapter 13.82 is fairly straightforward on what data is public, private or confidential. It has a good balance of privacy considerations with victim rights and those of the suspect.
• It’s challenging statute to work with. Some provisions work well…there are some bright lines for active investigation and transition to public-data, and there are some good provisions for exceptions that outline what is public or not all the time, like data on victims of criminal sexual misconduct.

Several interviewees indicated that the length of time the law has been in place has led to increased levels of familiarity and understanding of the law—that stability has been beneficial.

• I think that some people who work for government have gotten more educated in recent years about data practices laws and rules. A higher percentage of government people that I interact with are aware of general data practices requirements. That’s good. Ten years ago, trying to get records from some departments was like talking to a wall. Problems are rarer.

• The longevity of the Act has meant we’re getting faster at providing information and redacting non-public information.

• There’s consistency and well established rules with regard to information sharing—those provide a roadmap.

Useful databases exist
About a fourth of interviewees described what they see as positive aspects to current statewide or multi-county database systems, which allow streamlined access to available data. Examples include MNCIS (Minnesota Court Information System), the new Minnesota Government Access system, S3 (Statewide Supervision System), BCA criminal history databases, Predator Offender Registry, and CSTS (Court Services Tracking System), a system for sharing probationary data. Interviewees working in probation and parole settings were particularly positive.

Resources are available to assist
About a fourth of interviewees said that the Information Policy Analysis Division of the Department of Administration (IPAD) is a useful resource: the website, videos, and advisory opinions are helpful, and staff are able and willing to explain data practices to practitioners.

A few interviewees discussed increased training as a positive, as well as the value of having experts in-house to help with data practices issues.

Improved cross-agency, cross-discipline work
Several interviewees described positive elements of agencies working together more, or more smoothly, regarding data sharing or data practices. Some of these interviewees gave specific examples of good relationships between law enforcement and domestic violence advocates, good data sharing across probationary departments in different counties, and good data sharing between child protection and law enforcement.
Challenges

Interview questions solicited interviewees’ thoughts on challenges in current criminal and juvenile justice data practices. Also, in many interviews, responses to questions about what was working well quickly turned to a discussion of challenges.

Notably, these interviewees were not necessarily expecting or advocating that changes be made to address these challenges—it may be enough for the public and other practitioners to understand the process or the situation. Interviewees’ thoughts and recommendations for improvements are described in the next section of this report.

Administrative challenges

Many interviewees, from all perspectives, described administrative challenges associated with criminal and juvenile justice data practices.

Staff time and resources

Over a third of interviewees overall talked about challenges of staff time and resources needed for criminal and juvenile justice data practices—almost all law enforcement interviewees and most prosecutor interviewees shared this concern. They described the amount of time it takes to review and redact information as enormous, intensive, and burdensome. Large data requests that seem motivated by desire to obstruct or hinder government action, by interest in making a profit in using the data, or by simple nosiness are particularly frustrating, according to interviewees, because they take significant staff time away from other work and seem to be unintended consequences of the law. Interviewees also described challenges with redacting electronic media, such as video, and conducting large searches for keywords in emails.

- The cost for counties to respond to some data requests is enormous. How much money should state and county and cities spend keep up with data practices requests? If the public were aware of how much we spend, would they be concerned? If they assume that the cost is low or nothing to respond, then that is a huge gap from reality. If it costs the government, shouldn’t it be passed on, especially when it’s used to generate revenue for the requestor?

- The law works fairly well except that people are allowed to make massive requests for data at no charge to them. Often these massive requests are just curiosity requests and are very general, and the person may not even use the information. These can take days and days of work to fulfill and require sifting through boxes and boxes of data. The amount of time and work required to fulfill these massive requests probably costs several million dollars in labor costs statewide each year. Fulfilling these requests also takes us away from working on our other data requests. All in all we are spending millions of dollars statewide for data requests made by just a handful of people.

- I’m extremely concerned about the impact that data practice requests can have on government, particularly when many requests have no legitimate purposes, but whose primary focus appears to be to harass or to prove a point. Spending time looking for randomly selected keywords, or compiling and redacting data for a review that never happens… Is this really what we should spend tax payer dollars on?
• With so much information available, there’s way more data that someone can request. The whole concept of data inspection makes sense on the face of it, but you can spend an inordinate amount of time preparing it for inspection. As one example I’m aware of, an organization spent $45K preparing data, and the requestor spent two hours and left.

• There are redactions that are necessary—mental health, victims—and there are lots of good reasons to protect data. But there’s no ability to recoup costs. It’s good for open government, but it’s bad for administration.

A few interviewees described additional costs associated with storing data, particularly electronic data such as videos.

**Database access**
Several interviewees, mostly from crime victim and probation perspectives, talked about challenges associated with the wide variety of databases where criminal and juvenile justice data is stored. It can be challenging for practitioners and the public to know which databases to use, and then accessing and using the systems can be challenging and expensive as well. Additionally, changes in computer systems have sometimes led to advocates having less access to data than they previously had, and security roles and access rights can seem arbitrary.

Another specific challenge noted is that having data on computer systems leads to longer retention of records than in paper systems, to the possible detriment of juvenile offenders.

**Other administrative challenges**
Other identified administrative-related challenges mentioned by only a few people included:

• Challenges related to consent forms, such as multiple versions, expirations, and timing
• Lack of clarity regarding how long organizations must retain compiled information if the data requestor does not pick it up
• Fluctuating workload makes staffing challenging

**Inconsistent interpretation**
About half of all interviewees described inconsistent interpretations of the law as a problem or challenge—large proportions of interviewees from all perspectives shared these concerns.

• There’s inconsistency. There seems to be no agreement within different communities about how law works. And there can be misunderstanding between programs. Ex.: child protection gets an order to pick up a child at a shelter, but the shelter can’t disclose that child/parent is there. Some judges, law enforcement agents, and prosecutors have no clue about these issues and are shocked that domestic abuse victims’ data are private. And all of that increases adversarial nature of the relationship and increases mistrust and frustration.

• The comments I’ve heard from law enforcement are proof that people don’t know what they are doing. Comments such as, “If I don’t know what they will use it for, I won’t give it.” IPAD advisory opinions do have weight but there is no one who has authority over ensuring this happens except to take it to court.

• This is getting into the weeds, but if you look under 13.82 subd 13 it talks about reasons why victims or their representatives can be denied access to investigation data. In one jurisdiction, they offer that clause
as the reason for every denial—and they always deny—so basically the part of the law that says victims can access investigation data is meaningless there. In other jurisdictions, they always give the data without hesitation.

- There is no consistency of opinion concerning what is public data and what is not. If you ask 3 different attorneys about what information is public, you often get 3 different opinions.
- Interpretations of the statute vary. IPAD tries to help, but county attorney opinions differ. And county attorneys aren’t required to follow IPAD opinions.
- Different agencies interpret the same statutes differently. The rules applying to the disclosure of 911 calls is a good example of this. Do you disclose the actual audio of the 911 call or just a transcript? Or both? If you ask the city attorney you get one answer. If you ask IPAD you may get a different answer. If you call a neighboring agency and ask what they do you could get a different answer. There is no consistency.
- I started in the early 1990s, and it’s always been this way. It varies with prosecutors. I seem to always have a couple counties where getting data is always a fight—but I know I’m going to get access eventually…There’s always an inherent distrust between the police and us. The statute itself is pretty sound, it’s just people interpreting it differently so they don’t have to give up info.

Information “doesn’t flow” within the system

About half of interviewees described challenges associated with information not flowing within the criminal justice system. Interviewees from all perspectives shared these concerns, though understandably their examples were often connected to challenges within their area of practice. In some cases, interviewees said that the problem is not the current law, but inconsistent application or understanding of the law.

Identified problem areas or pinch points included:

- Law enforcement sharing with domestic violence advocates
- Child protection services and domestic violence shelters
- Probation sharing with law enforcement
- Child protection and juvenile records when needed by defense or prosecuting attorneys
- Child protection, juvenile records, and probation
- Social service agencies, probation departments, and attorneys
- Juvenile justice information sharing across prosecutors, social services, and probation
- Mental health information across the system—lack of information sharing means people may not receive the correct treatment or placement
- Access for public defenders generally
- Difficulties with needing multiple consent forms
- Difficulties with interstate transfer
- Probation and social services within the same jurisdiction
- Pre-sentence investigation and end of confinement review phases in particular
- Investigations relating to incidents where a person or organization might benefit from having the information right away (to file an insurance claim or correct a problem)
- Inability to make connections that could lead to arrests or reduced crime
Examples of comments:

- I hear about how we’re all working with the same clients but we often don’t know it, so we work at cross-purposes. For example, I have a client whose consent expired, so I couldn’t find out if they were following their court-ordered treatment, so I had to violate his probation. He went to jail for a few days. I didn’t know child protection was working with the family and probably needed to know that dad was going to be in jail.

- Public defenders are not seen as a part of the justice system and are denied access to information such as PSIs even when they are allowed to access that information under statute.

- Our job is to gather as accurate a picture of the risks posed by a defendant and his needs as we can. There are roadblocks to getting all the information we need. Information flows well from probation to our own county child protective services… but it doesn’t flow back from child protection to probation.

- I hear about situations where law enforcement won’t give victim advocates police reports, but that’s mostly how these programs can reach out to victims. It’s critical to get timely access to ICRs, and they used to… Now they are told to ask for a specific report, but they can’t if they don’t know the victim’s name. These programs used to get more data, now what’s available is more limited. There’s no authority to go to to resolve disagreement.

- I also have concerns about the ability to address mental health issues in jails and juvenile centers. We’d like to pilot programs to address mental health issues; however, there are roadblocks to sharing the necessary data. Who has to consent and how do we find these folks after release to get the proper releases? The county could do a lot of good and get more services out if we could share more information, but people are suspicious.

- It is more challenging to share data between the divisions in our county human services than with probation from another county. I often hear from frustrated county social workers that we’re all working with the same kids and families, why can’t we share?

- What’s very challenging is when probation and child protection are both working with a client but don’t know they are. So child protection is working on something with a family and probation is working on something else. How do you have coordination of care? An example: mom is on probation for drug offense, probation’s goal is keeping her sober. Child protection may be working with her. The risk/threat of losing kids prompts mom to relapse. If child protection/probation had coordinated from the beginning, they could have addressed both the safety of the kids and sobriety for mom.

- I am primarily concerned with the pushback I get from law enforcement agencies regarding my requests for public data on police officers. I find it difficult to get the information I often need through data requests. I’ve been asked to give my ID and fill out many forms to get public information.

**Complexity in the law**

About half of interviewees described challenges associated with the complexity of criminal and juvenile justice data practices, including lack of clear definitions and many variables or exceptions to consider before releasing information. Interviewees from all perspectives offered thoughts in this area.
Note: The section below describes areas identified as challenges or problems in the current laws. Interviewees’ ideas for specific changes to the statutes are summarized in a later section of this report. There is some overlap between the two areas, but not complete congruence.

Interviewees described the complexities of the law generally, but many cited specific areas of complexity or lack of definition, which are outlined below. Some specific examples were mentioned by only one or two interviewees.

**Problematic definitions or data types**

- Body camera and other video—when is the data releasable, and when is it private? (This issue was mentioned frequently by interviewees.)
- Lack of clarity regarding “ongoing” investigations, especially with different statutes of limitations and appeals periods.
- For “property related complaints” (e.g., noise complaints), whether information is public or not can depend on the way it is requested. For example, in the noise complaint situation the name of the person making the complaint is protected from public disclosure. However, if someone asks for all of the public police reports for a specific address, the information contained in those reports is considered public. So, is it proper to redact the name of the complaining witness from those reports?
- “Vulnerable adult” data is protected, but it is not always clear who is “vulnerable,” and it is not clear who could help confirm whether someone is or is not.
- “State accident reports” are confidential, but they have some public data. Much of the data is the same as the public “incident report.”
- Confusing statutory language such as “always public” arrest data when contrasted with other parts of the statute.
- Medical records used in an investigation—do they lose their protection when the investigation is completed? And how does this work with federal law?
- Vague on classification of certain data, such as chronological case file notes.

**Intersections of criminal court procedures and data practices**

- Lack of clear boundaries and interpretations in criminal justice data in the court system and in administrative agencies or law enforcement, such as when data is available through discovery or court order versus when data is available through a data practices request.
- Search warrant and criminal complaint information is released by the courts, even when it would otherwise be protected as “open investigation” data. This can interfere with investigations.
- Lack of clear protection for data on law enforcement officers that is released to defense counsel (e.g., Brady lists).

**Juvenile justice data**

- Juvenile justice data practices in general is complex, but particularly when connecting Minnesota Statutes §13.82 and Minnesota Statutes §260.B171.
- Data on juveniles who have been charged with both petty traffic offenses (releasable) and more serious offenses like DWI.
Complexity in data release decisions

- Sometimes there are complex variables on when crime victims can ask that information be withheld or when they can ask for copies of reports or other documents, and lack of clear understanding among law enforcement.
- Data from DVS databases is protected from disclosure, but it is not always clear on police reports or tickets that that was the source of information.
- The need to cross-reference different parts of statute, such as Public Offender Registration Act and the Data Practices Act.
- Lack of consistent standards for how long an agency has to respond to a request.
- Lack of clarity regarding who is “law enforcement,” especially federal entities.
- Places in statute that seem contradictory, such as medical examiner involvement (Minnesota Statutes §13.83).

Negative outcomes to releasing required data

About a third of interviewees described negative outcomes associated with releasing required data. These sentiments came from interviewees from all perspectives, though their primary interest was often connected to the main population they serve, such as victims, defendants, juvenile offenders, adult offenders, or the public.

- Providing some data is not always in the best interest of victims and witnesses. It makes people not want to call and report if they know their information could be made available. This can be a serious public safety issue.
- I don’t like that data like the booking photos of a juvenile suspected of a felony are public…it ends up in the newspaper, and it’s very hard for a kid (and their family) to come back from that. So a stupid act like robbing the local Taco Bell for $100 or making a school bomb threat can completely ruin a young person’s life. There is that damning effect on those kids…
- We need to give probation clients the ability to succeed, to have jobs, housing, good family, and community connections. We need to balance public data access with the interests of public safety, especially when broad public access is defeating goals of public safety. More public access increases destabilization of offenders, results in more prison, and no better end result. More information being public doesn’t help public safety. What would help is better collaboration between criminal justice professionals.
- In the case of juveniles; once they give the school the release plan for the client, the school tends to put all of the discipline responsibilities on the agent instead of using the school rules they use for the other students. The information gets shared with too many staff and the juvenile client is often treated more harshly then they need to be.
- It may not seem to make a difference whether someone is requesting the data for government transparency or just to be nosey, but these requests can have a huge impact on the victim to have their dirty laundry aired. The press doesn’t always portray things accurately—they take leaps and draw too many conclusions.
- There are situations where a person will request electronic copies of mugshots (which is public data) from the jail in a certain format on an ongoing basis. This person then posts the mugshots on a website and will not remove the images unless the person in the photo pays them to. I don’t think was the intent of the
law. Some states have laws stating agencies can refuse to provide public information or charge fees to provide it if the information is for commercial use.

- The biggest complaints we hear about data practices is that too much information is made public and it gets disseminated. It makes it easy for people to figure out who the victim is, even if their identity is being “protected” under the language of the Act. For instance, let’s say someone is charged with criminal sexual conduct, and the charges include the fact that it was against his step-daughter. That’s all available on the police report to the public, and that’s devastating because people can put two and two together.

- Sex offender community notification can give the community a false sense of security and hinder the sex offender from finding housing and a job.

Fear of mistakes, fear of lawsuits
About a fourth of interviewees, particularly from law enforcement and prosecution perspectives, said that practitioners are very concerned about being wrong about data practices or about being sued—this can hinder flow of information and can be a barrier to good work.

- The act allows for agencies to be sued for either improperly withholding public information, or for improperly disclosing private information. Even if the error is made in good faith you can get sued. This puts a lot of pressure on those in charge of making the disclosures, especially when you get different opinions about what can and cannot be disclosed.

- The complexities of the Data Practices Act and resulting litigation has frequently resulted in officers not using certain databases, making investigations less successful. The confusion around the Data Practices Act has created avoidance and paralysis in sharing information, oftentimes. Greater clarity is needed.

- Law enforcement is redacting information that should be accessible. When in doubt, they redact.

- We need more court decisions to interpret the law. We often err on the side of not releasing, since we can always release more later.

Prosecutors/county attorneys decide access
Several interviewees, primarily from public defender perspectives, described challenges due to prosecutors making decisions about access to data. They are concerned that decisions are made within the context of a specific case or with a general interest in protecting law enforcement.

- Many jurisdictions have directed their law enforcement agencies to refer requestors to prosecutors in order to get public records from the law enforcement agency because they want to know what is being released and to whom. This is obviously not following data practices and they know it. They are not the responsible authority. Allowing prosecutors to advise or oversee the release of data is wrong on so many levels especially when it may pertain to an active investigation. It also leads to the distrust of law enforcement agencies and prosecutors because the information is being censored.

- It’s overly complicated for victims. A victim can request that information about their home and work and so on not be shared. But by the time they get the letter from law enforcement explaining their rights to protect their data, the prosecutor may have already released the record to the defense attorney and the defendant. So in practice, it can be really hard for victims to prevent information from being shared with the defendant.
• There are roadblocks to accessible data by having data requests go through the county attorney office, and by requiring requestors to provide their personal information and specific reasons for the request. I think they want the prosecutor to be able to view what they are requesting before defense has a chance to review it. It gives a lot of power to law enforcement and the county attorney. It is against the statute and is a slap in the face to the data practices act.

• I understand why they need help interpreting requests on open cases, but many of our requests are on closed cases. This is just a barrier to access. Plus, I don’t think public defenders should be charged for these types of records, but in some counties we are. There’s no consistency in where we will be charged.

Other identified challenges

A few interviewees raised other challenges including:

• It is challenging to counter or address inaccurate public perceptions about data practices
• Making changes in the law can be incredibly complex—a seemingly small change can require multiple changes and alignment of interests
• Law enforcement often does not explain data practices to victims
• Inaccurate court orders are almost impossible to change

Potential improvements

Interviewees offered many ideas for improvements that could be made in criminal and juvenile justice data practices. In some instances, these thoughts came in response to questions about how things that are working well could be enhanced. Far more often, however, these ideas and suggestions were connected to identified challenges or problems with the status quo. Interviewees were not asked whether their hopes for improvement were feasible—one question in particular asked interviewees to think broadly and creatively about their wishes for improvements.

In conducting this analysis, MAD was cautious not to extend an interviewee’s identified challenge to be intended as a suggestion for improvement. For example, an interviewee’s remark that there are many databases for criminal justice information would not be viewed as a suggestion to consolidate databases. The responses identified here are either directly stated or clearly suggested requests for change or improvement.

Training for practitioners

About half of all interviewees talked about additional training or resources needed for government entities regarding data practices. Almost all of the crime victim and public defender interviewees offered suggestions in this area.

A few interviewees suggested there should be more training overall. Several indicated that there should be uniform, statewide training to help with consistent interpretation and application of the law.

Other interviewees offered other specific suggestions:

• Training for law enforcement on what can be shared with public defenders and other requesters
• Mandatory training for agencies (IT staff, management, and organization leaders)
• Training with certain emphasis: to ensure understanding that agencies do not have a right to ask why a person is asking for public data, to counter assumptions that data should not be released, and to ensure consistent and legal application of production costs
• Incentives for training and accountability for law enforcement, like fines for noncompliance
• Mandatory training for state leaders (commissioners, legislators)
• Training and collaboration across disciplines—so they can learn each other’s concerns
• Training designed for adult learners – hands-on, not lecture
• Training on protocols such as how to ensure that sensitive data is properly handled (e.g., victim data) and how to properly respond to or refer a data request
• Training for smaller agencies
• Identify key people to receive training (i.e., do not train everyone), and make data practices part of some job descriptions—provide accountability and training to match that priority
• Training in Greater Minnesota
• Training on data practices should reflect diversity and different cultures
• Training for judges and courts on the balancing test
• Training for law enforcement on how to write quality reports—so that the released data is clear and others can rely on it
• Educate agents on common language use (different jurisdictions and courts do not use the same terminology and records retention and schedules differ between agencies).

Other resources
Several interviewees suggested specific documents, resources, or processes that would improve the current system:

• Universal consent/release of information form
• Generic template for agencies to use to identify and classify data
• Clear forms for data requesters so they can easily request all relevant information at once, and so they know costs upfront (criminal justice information and court information)
• Forms to use to file civil claims easily against entities who violate the Data Practices Act
• Adopt the drug court model more broadly—this would allow free flowing information among practitioners
• Easy-to-access, streamlined, and well organized online access to current laws, guidance, and forms (replicating a binder from the early 2000s, for example)
• “Crib notes” for data practices

Several interviewees indicated that they would like additional resources from IPAD in particular, that IPAD should be the only entity providing training, that IPAD should provide more training in Greater Minnesota, more videos (like a recently released video on law enforcement data), more opinions, or that IPAD be provided with more resources in general to continue to provide assistance.

Several interviewees indicated that there should be an independent entity that acts as a central decision making resource or oversight body on criminal justice data practices, especially for smaller agencies or professionals dependent on courtroom adversaries to decide what data to release.
Consistent interpretation

More than a third of interviewees described the need for consistent interpretation of existing data practices laws—these suggestions came primarily from public defenders, crime victim advocates, and probationary interviewees, but a few law enforcement and prosecution interviewees also offered ideas in this area.

- Reduce inconsistent understanding of the law in different jurisdictions. We need to clarify even within the same county because it varies city to city. Some city attorneys tell law enforcement not to give info to domestic violence advocates, for example.
- Information should be available promptly, but there is no consistency in the time it takes for people to respond to requests.
- We need consistency and standards across the board so the response is similar from county to county.
- I understand that it isn’t possible for everything to be black and white. But right now there are 87 opinions (87 county attorneys). It’s frustrating to not have clear answers.
- I would like more clarity, consistency, and accountability regarding the usage of 13.82, subd. 17 to protect records on law enforcement officers because they are/were “undercover.” I feel that this classification gets abused to include officers that are in no risk, whatsoever.
- We need more transparency, consistency, and understanding across the board. The law is not that bad, but people don’t understand it.

Database or computer system changes

About a fourth of interviewees described hope for improvements in database and computer systems used to access criminal justice data. These suggestions came primarily from public defenders, crime victim advocates, and probation interviewees. A few suggested automated security and auditing features to make it easier to track access to information and ensure that data is not accessed improperly—without placing an administrative burden on those accessing the data. A few additionally suggested that online systems should not display arrest information as prominently as they do currently—this type of information can be very damaging to individuals.

Other specific suggestions for changes to computer and database systems included:

- Uniform standards for what goes in to systems
- Consistent access for users who should have access to non-public or private data
- More consistency or clarity in what is available in which system (Predatory Offender Registry vs. CSTS, for example), perhaps with a guide for users on what information is available in different systems
- One central criminal justice database with all of the relevant information, or a single point of entry to access existing databases easily with a single login
- More context to court records so that relevant users can see the entire story from arrest to disposition
Other ideas included suggestions for new types of databases, such as ones that would make public data on law enforcement officers easy to access, or a national criminal justice database that would allow analysis of trends.

A few interviewees said that they wished there were easier ways to correct data or remove it from systems—such as police reports with erroneous information or records of dismissed cases.

**Access fees or agency funding**

Less than a fourth of interviewees (primarily from law enforcement and prosecutor perspectives) suggested that there should be additional access fees charged or that there should be additional funding for entities that are required to redact and produce data.

- When someone makes repeated huge data requests and is not paying for them, it is a lot of work—license data, social security numbers, license plates—we have to go through each page and redact all of that. There's no computer for that; that's people. Maybe we could ask for a good faith payment up front?

- There's a tremendous amount of work involved in preparing data for release, especially electronic media. The Act needs to be updated to reflect how this impacts organizations’ budgets—it’s an unfunded mandate.

- Allow us to charge the actual cost, unless they are requesting their own data.

- Curtail persons from making massive and/or excessively frequent data requests in some way. Just a few persons are causing the problems. Limit access; charge them; restrict number of requests – I don't know. But something must be done.

A few interviewees suggested that there be restrictions on frivolous requests, or that a judge review “fishing expeditions.”

**Public involvement and outreach regarding data practices**

Several interviewees suggested that there should be more outreach to the public to educate them about data practices. Examples include: signs in law enforcement offices that explain how to get data, easily understandable information on government websites to explain how to request data, and tailored outreach resources to specific communities (such as immigrant communities).

Several interviewees suggested that if there were changes to the statute, the legislature (or the legislative committee on data practices) should take guidance and seek genuine input from a range of stakeholders, including crime victims and advocates, communities of color, and government entities.

**Other ideas offered by interviewees**

Interviewees offered additional ideas for changes or improvements. The ideas below were mentioned by one or two people:

- There should be liability protection for agencies or reverse attorney fees for frivolous requests.

- The cost of the Minnesota statute book covering data practices should be less expensive.

- Courts should intervene to decide what data is shared, especially in juvenile justice situations.
• Law enforcement should not be formally booking juveniles. Delay taking photos and fingerprints until after a final finding in a case and adjudication, so the information available is complete and fair.

Some interviewees discussed issues that may not be directly related to Minnesota criminal justice data practices (from an administrative perspective), but were relevant to interviewees:

• More accountability and management of officer conduct, such as an oversight or regulatory board
• Reduce the excessive paperwork that is required to restore an offender’s ability to integrate into community
• Change personnel data practices that prevent disclosure and tracking of vulnerable adult abuse investigations
• More diversity in law enforcement
• Additional timeliness between systems is needed: discharges, courts, BCA
• Change HIPPA so that no client signature is needed when medical treatment is under court order
• Do additional data collection and analysis around financial exploitation—consider changing laws so that theft by swindle where the victim was a vulnerable adult is considered a case of vulnerable adult exploitation
• More voice for victims in the system in general
• Limit number of attendees at court hearings
• More support or advocates allowed in court for minor victims
• Training for financial institutions on releasing data needed for financial abuse cases
• Training for law enforcement and others in criminal justice on sensitivity and working with various communities

**Suggested changes to statutes**
In addition to the potential improvements described above, interviewees offered thoughts and ideas regarding changes to the current statutory system.

**Simplify or clarify the law**
Close to half of interviewees said that they would like to see criminal justice data practices law simplified or clarified generally — although some noted that this would be a particularly risky and perhaps unwise endeavor, given the complexity of the issues and the possibility for unintended consequences.

• Make the statutes more clear so that we know what to do — make the definitions as specific as possible.
• It would help if there were fewer classifications of data.
• Provide more detailed information in Minn. Stat. 13.82 by reducing the need to look at other statutes. For example, 13.82 could list all of the statutes of limitations so that we know when an investigation is no longer ongoing. 13.82 could also list all of the “adult court offenses” to assist us in determining whether records pertaining to a juvenile can be disclosed.
• Redo the statute so you don’t have to cross reference the other applicable statutes. But, you need to be careful what you wish for because the statute could get too cumbersome. For example, public health, parks and other divisions of government all have specific statutes pertaining to them, and this could be too much to put in one place.

• Make it clearer – perhaps pattern it after the Sentencing Guidelines Grid so that most people could understand it.

• Make the data practices act more accessible to the public. It is very complicated and there are unnecessary fears around it because of lack of understanding.

• I’d like something like a true in-depth analysis and crosswalk of different criminal justice provisions – and then eliminate redundancy through legislative process. There’s not a great climate for this legislatively, but it really would be useful to group all criminal justice provisions into chapter 13 – one set of guidance.

• Clarification in the statute would be helpful. So much of it is gray and results in many different opinions about the various classifications of data. Some gray area is needed because it’s not possible to legislate for every possible scenario, but that there needs to be more guidance in the statutes too. Professionals can become paralyzed because they don’t want to be wrong.

Juvenile justice data
Several interviewees suggested changes to statutes regarding juvenile justice data, including:

• Revoke the statute that allows data sharing with schools, especially arrest data
• Consider altering the age of adulthood for juvenile records to 21 or 22
• Change laws to better protect juvenile data, especially arrests and charge data
• Protect the data on parents/families of juvenile felons
• Protect all information on juvenile cases—including victims and witnesses
• Prevent access to juvenile records in situations like DHS licensing
• Change laws so that only the parent’s signature is required for data practices release
• Incorporate juvenile justice data into Minnesota Statutes §13.82
• Clarify Minnesota Statutes §13.82 and Minnesota Statutes §260.B171, especially looking at definitions of accident data, charging data, and confinement data

Examine the impacts of technology on data practices
Several interviewees discussed how changes in technology have affected criminal and juvenile justice data practices, and a few specifically called for examination of these issues—changes to the law or a different understanding of the law may be needed.

Change the law so that less data is released
Several interviewees suggested that the law should be changed so that less data is released, generally. Most of these interviewees described the negative impact on members of the public when their personal data is mined or released, or the damage done to people who are arrested or charged with a crime but never convicted.
Victim protections and access
A few interviewees suggested changes to the statutes to increase victim access to data: decrease or eliminate costs to victims, improve the statutory process for victims to withhold information, and increase and ensure real privacy for victims.

Other statutory changes
Other suggestions were offered by one or two interviewees. Note: Other interviewees may have identified these issues as a challenge, but they did not specify that they believed the law should be changed.

Specific definitions or topic areas:

- Clarify public access to body camera data (this issue was described as a challenge by many interviewees, but only a few offered this as a specific suggestion to change the law—possibly because the issue was considered by legislature during the same time period as interviews were conducted)
- Define “prompt” for response to data request
- Clarify and narrow usage of Minnesota Statutes §13.82, subd. 17 regarding undercover officers
- Clarify access to 911 recording—it should not be released before police reports are released
- Clarify “common sensibilities” definition, especially in light of new technology
- Clarity/tightening of what is considered a “personnel record” for law enforcement officers
- Establish a criminal intelligence data classification to enhance law enforcement’s ability to investigate trends and disrupt criminal activity
- Include exceptions for release of offender information if there is a safety risk to the offender or their family

Access, intersections, and information flow changes:

- Clarify criminal and civil rules regarding data
- Clarify that advocates can have access to victim information
- Clarify the Data Practices Act, Minnesota Statutes §611.271, and rules of criminal procedure so that public defenders have access to relevant data
- Clarify how data that travels between agencies can be protected—if it is protected in one area, it should be protected elsewhere (e.g., medical records)
- Clarify access between law enforcement and social services
- Define probation agents as “law enforcement” so they can access relevant data to aid their clients
- Clarify criminal and juvenile justice state laws as they related to federal laws, such as HIPPA

Other ideas:

- Put more “teeth” into the DPA so that more law enforcement agencies release information
- Require more transparency when government contracts with a private company for law enforcement purposes
• Allow protection of data shared with the legislature so that legislators can receive security briefings
• Require requestors to get releases from people named in the data that will be released
• Require that people give a reason when they are asking for information—prevent data mining

**Concerns about changes to existing criminal and juvenile justice data practices**

Workgroup interviewers asked practitioners to describe their biggest concerns or fears if existing criminal justice data practices were changed. In general, interviewees were concerned that any changes would just make matters worse, but they offered specific concerns as well.

**Too much public access**

The most commonly expressed concern was that there would be too much public access to criminal justice data if current practices were changed. More than a third of interviewees, from a variety of practitioner perspectives, shared this view.

• I’m worried about allowing more information to be accessible to a general public that may have little education about the criminal justice system. Transparency can be good for honesty and accountability. Individuals with criminal records have become more prevalent, and opening the door to those records for the public closes more doors for those individuals.

• My concern is mostly that any changes or overhaul would weaken protections for crime victims. We need to keep the strong protections we have, like for sexual assault victims.

• A loosening of juvenile data practices would hurt the person when they are an adult as they apply for jobs or complete college applications.

• I’m worried that changes would move toward requirements for greater disclosure—and have greater risks. More disclosure could risk the ability to have a fair trial as it could influence potential jurors.

• A concern I have: losing the checks and balances in place that help protect data and do good investigations.

• Data access to the general public should not be broadened. With technology, information spreads quickly and there is no way to take it back once it’s out there.

**Additional problems for practitioners**

About a fourth of interviewees, from a variety of perspectives, worried that if there were changes to the status quo there would be even more restrictions on retention and use of data.

• I’m worried that law will be changed to make it more conservative and allow less data to flow from and to probation—we need that information to help clients.

• I’m concerned that there would be further restrictions on sharing among government agencies and jurisdictions.
• I’d worry that we’d be able to retain important information (like license plate data) for an even shorter amount of time. The current 30-60 days timing is often not enough time for that data to be useful.

About a fourth of interviewees said they would be concerned that changes would result in even more need to review, redact, and release data (e.g., metadata, video), and that these additional requirements would lead to additional costs for organizations.

Several interviewees, mainly from public defender roles, expressed concern about losing current access if there were a change (this access is viewed as insufficient as it is).

 Perspectives on what the public thinks

Interviewers asked practitioners what they thought members of the public are concerned about when it comes to criminal justice data practices. Almost all interviewees offered some thoughts in response to this question, though some were reluctant to speculate.

Sometimes, interviewees’ comments in response to this question included a concern that members of the public did not understand what is and is not released under criminal and juvenile justice data practices—there is a lack of awareness and understanding of these issues. In particular, a few interviewees emphasized that members of the public assume that data is private when it is not.

An example of an interviewee comment:

  Members of the public are surprised at how much information is shared, and they are surprised that information is shared with the media or prosecutors or defense attorneys. They assume that things are private that really aren’t.

There are two key areas of interest: what the public may think about government release of data to the public, and what the public may think about government release and use of data within the criminal and juvenile justice system.

 Sharing information with the public

Interviewees had a range of views regarding public perspectives on whether and how much criminal and juvenile justice information should be shared with the public.

 Too much sharing or loss of privacy

Almost three-fourths of interviewees indicated that they thought the public is concerned about too much sharing of data or loss of privacy. These opinions were expressed by interviewees from all categories.

• I think that the public thinks that too much information is being released. Identity theft is a major concern. People can use the data practice rules to get a person’s full name, date of birth, and other identifying information. Also, the data practice rules allow members of the community to know other people’s dirt. People are often appalled when they learn how sensitive data about themselves or their loved ones can be requested and revealed to anyone who asks.
The public has concerns about juvenile data now being more readily available once that juvenile becomes 18. Citizens prefer that juvenile records continue to be protected and not be made available to the general public.

The public is concerned about too much shared publicly outside the criminal justice system. In domestic violence or sexual assault cases, putting a defender's information out there means people can also know information about the victim.

The public is concerned that data about juveniles will be released that will have negative impacts on their lives. For instance, this occurs when schools give out information about juvenile delinquents while criminal charges are pending, but before the matter is resolved in court, so juveniles are harmed whether or not they are ultimately found to have committed the offense in question.

I think the public is okay with data being shared amongst practitioners, but when it comes to sharing information publicly—the public is concerned with how it may get on social networking sites and how it may be used by the media.

I think when you're talking about bodycams especially, the public worries about too much information being shared. No one wants a video showing a crisis in their home going up on YouTube.

**More or continued public access desired**

About half of interviewees said that they believe the public wants continued or more access to criminal justice data. Interviewees from all categories voiced this opinion, though interviewees from law enforcement were less likely to share this view. A few of the interviewees in this group indicated that they felt that the public’s desire for additional criminal justice information was due to a mistrust of law enforcement. A few others said that they have heard particular frustration regarding data on offenders or defendants—victims and other interested parties feel that they should have more access to data on these individuals.

Right now we’re seeing a sense of distrust with accuracy of reports, and general mistrust with everything going on... I think that there’s a concern about the cost to access data—it’s prohibitive to some members of the public to get copies of reports.

The general public wants to know the risks in their community, what’s the number of sex offenders, for example. The public wants to arm themselves with information to protect their home and children, and they are frustrated they can’t know more about offenders.

Some members of the public get frustrated because they try to get information on a defendant that they are not allowed to have.

**Government transparency**

Over a third of interviewees, from a variety of perspectives, said that they thought the public wants transparency from the government in general or the police in particular. Some of these interviewees indicated that the public believes government staff or police officers hide behind data practices laws to cover up their actions.
• There is an inaccurate perception that government is hiding data—we are trying to do the right thing. This is not a conspiracy—we want to give out what we are supposed to if we could only figure out what that is!

• People are concerned about privacy and also concerned about transparency. There are people who want to hold police accountable—if you have power to take a life, your actions should be public… But there are people who want to let the police keep their privacy.

• The public is concerned when they want to know more and we have to say no. In general though, it is the press or others who have a particular reason for seeking the data who raise the most concerns. Some members of the public want to see exciting videos of law enforcement activities, so the media wants to show it, but people don’t think about times when it might be them with a medical issue or reporting their child missing.

• Members of the public can become paranoid when we withhold data, especially in active criminal investigations. They want to know why. I wish there could be better communication around that, a way to explain that this is how we handle data in all cases. People want this information right away, but it’s not always possible.

Twin values: protection and transparency
Several interviewees talked about an existing tension in public opinion regarding criminal justice data: members of the public want access to data generally, but they want to protect information about their own lives.

• I think the public is in favor of 100% transparency about other people and complete privacy when it’s about them and their own family.

• The public wants see as much information as possible—everything—until they’re the ones that are being looked at, and then they don’t want anything out there. But generally I think the public wants transparency, they want to know government is working.

• The public is most concerned about transparency and access to information. Victims don’t want their information released, but the media or curious citizens want all of the information released. People guard their own medical information carefully during their lifetime, but if there is a death investigation, then all of their medical history becomes public information after the investigation is complete. The challenge in all of this is the competing interests among transparency and privacy.

Sharing among practitioners
Interviewees’ opinions also varied regarding public perceptions of how data is shared within the criminal and juvenile justice system.

It’s a non-issue
About a fourth of interviewees said that the public does not think about criminal and juvenile justice data practices, or it is a nonissue. Interviewees from all categories had this opinion; half of law enforcement interviewees shared this view.

• I don’t think the public thinks a lot or at all about government agencies sharing data.
• The average Minnesotan has little to no information about or interest in the rules that govern the system except when it impacts them or a family member. That’s when they demand transparency.

• I don’t think most people think it’s an issue, but I suspect the public is probably more comfortable about the exchange of information between agencies versus the public having access to the data.

Assumes data is shared
About a fourth of interviewees indicated that the public assumes that data is already shared among practitioners. Interviewees from all categories shared this view, though proportionally few law enforcement interviewees.

• There are some who think that we all have a secret system where we know everything about everybody and we all share it with everybody. There’s distrust in centralized databases. I also hear that people are concerned about the lack of coordination in data sharing—they’re surprised that what’s happening in one jurisdiction isn’t known in another.

• I don’t think public is concerned about criminal justice professionals sharing data—the public probably assumes there’s better sharing than is actually happening.

• There is a strong perception among the public that any government employee has easy Google-like access to all the government data ever collected on them. The public thinks government has a lot more data than we do have.

• I get complaint calls about lack of integration, if a person told the jail something, why doesn’t probation know? The public expects more data sharing.

• With juveniles it’s especially hard. With mental health situations especially, family members will say, “you had the information and the system failed to do anything with it.” There’s lots of finger-pointing... Understandable when it looks like one hand of government doesn’t know what the other hand is doing.

• The public doesn’t have any concept of data sharing within the system. They believe that government is all lumped together and shares as necessary.

• When a person keeps getting redirected to other departments to call, they feel the government is not being transparent, when the reality is that agency just can’t see that information. The Act often prohibits sharing of information between agencies, but the public thinks that everyone in government has everything.

Good to share within the system
About a fourth of interviewees indicated that the public thinks it is acceptable or good for practitioners to share data. Though interviewees from all categories offered this perspective, interviewees from law enforcement roles were more likely to do so.

• I think the public is concerned that criminal justice professionals aren’t sharing enough with each other—there are too many silos.

• I think the public in general feels that information should be easily shared between government agencies. People are often confused about the rules and why information cannot be shared.
Skeptical about data sharing
Several interviewees said that the public is skeptical or concerned about sharing data. A few interviewees from all categories except law enforcement shared this view.

- Victims, especially those from African-American or Native American communities, are much more concerned about sharing than the general public. They are afraid an abuser can use public data to find them, or that data shared with system partners will lead to problems (especially child protection data). Sharing makes them nervous, reluctant to cooperate.

- The public does have some concerns about what practitioners share with each other and have access to—if they themselves don’t have access to the same information. Some people are distrusting of everyone in the system.

Other public perceptions
Several interviewees shared other public perceptions and concerns they have heard. Some of these were identified by only one or two people.

- Concern about the quality of data retained by government and the difficulty with correcting it
- Concern about retaliation when data is released or for asking for data
- Concern about data breaches
- Generational differences in perspectives on sharing information, with younger individuals being generally more comfortable with having information shared, as long as it is not used against them

Key Findings
Workgroup members conducted interviews with 43 individuals from crime victim services/crime prevention, law enforcement, probation/parole, prosecution, and public defender roles.

Some of the most commonly expressed perspectives include:

- Practitioners think that data is generally shared or protected properly: private data stays private, interested individuals can obtain information, and governments are relatively transparent. Inconsistent interpretation of the law and the law’s complexity, however, are significant challenges to proper sharing and release of information. Administrative challenges also exist, such as the need for staff time and resources to respond to information requests.
- Practitioners can generally get the information that they need, but there are many examples of information not flowing productively or effectively through the criminal and juvenile justice system.
- Practitioners have ideas for how data practices laws could be improved, though specific suggestions vary. Practitioners share concerns that any changes to the law would result in too much public access to criminal and juvenile justice information or lead to more challenges for practitioners.
• Practitioners recommend additional training and other resources, as well as more consistency in interpretation of existing law; these actions would improve criminal and juvenile justice data practices in Minnesota.

• From practitioners’ perspectives, members of the public are concerned about too much public sharing of criminal and juvenile justice information, but the public also desires government transparency and continued access to information. Regarding sharing of information within the criminal and juvenile justice system, practitioners think that members of the public are not concerned at all, assume data is already shared, or would be pleased if more information were shared. That said, practitioners are aware of skepticism and mistrust of government entities.
Appendix A. Interview Questionnaire

Interviewee name and organization:
Interviewee contact information:
Interviewer name:
Interview date:
Interview by phone/in person:

1. Please briefly describe your organization and role. How long have you been working in this field?

2. Thinking about the current status of criminal justice data practices, what’s working well? Please provide examples.
   a. Please describe how current data practices help your work.
   b. How could data practices that positively affect your work be enhanced? Please be as specific as you can.

3. Thinking about the current status of criminal justice data practices, what’s not working well? What’s particularly challenging or problematic? Please provide examples.
   a. Please describe how current data practices hinder your work or make it more challenging.
   b. How could data practices that hinder your work be improved? Please be as specific as you can.

4. What do you think members of the public are concerned about when it comes to criminal justice data practices? Your answer to this doesn’t necessarily mean you agree with this concern.

5. If there were changes to criminal justice data practices, what would be your biggest concerns or fears?

6. This question encourages people to think creatively: If you had three wishes for changes in criminal justice data practices, what would they be?

7. We’ve been talking in this interview about your perspectives and ideas. Have you heard other ideas or thoughts from your colleagues on these issues?

8. Is there anything else you’d like to add? Is there anything else we should be aware of to understand these issues?